

CHAPTER 5: ENVIRONMENT

PART 1 : GENERAL INTRODUCTION

5.1.1 The general context for this section is provided by the Sustainability Strategy, which was set out in the Introduction. This section is divided into four main categories:

- Landscape Conservation
- Nature Conservation
- Urban Design and Visual Amenity/Townscape and Conservation/Archaeology/Open Space and Landscaping/Advertisements and Shop Fronts
- Other Environmental Considerations (Energy and Telecommunications, Pollution, Remaining Sustainability Issues).

5.1.2 Most of these matters were dealt with in Sections F, Townscape and Conservation and H, Conservation and Recreation, of the 1991 Local Plan. Since then interest in the environment and green issues has grown considerably and expressed itself in a general desire to ensure that development is sustainable. This interest resulted in the Rio Earth Summit and the Government White Paper “This Common Inheritance” and has led to the gradual dawning of the Local Agenda 21 process and growing emphasis on environmental conservation. For planning it has caused an explosion of advice expressed in a series of PPGs that have to be taken account of in the Local Plan process:

PPG 7 The Countryside - Environmental Quality and Economic and Social Development

PPG9 Nature Conservation

PPG15 Planning and the Historic Environment

PPG16 Archaeology and Planning

PPG17 Sport and Recreation

PPG19 Outdoor Advertisement Control

PPG20 Coastal Planning

PPG22 Renewable Energy

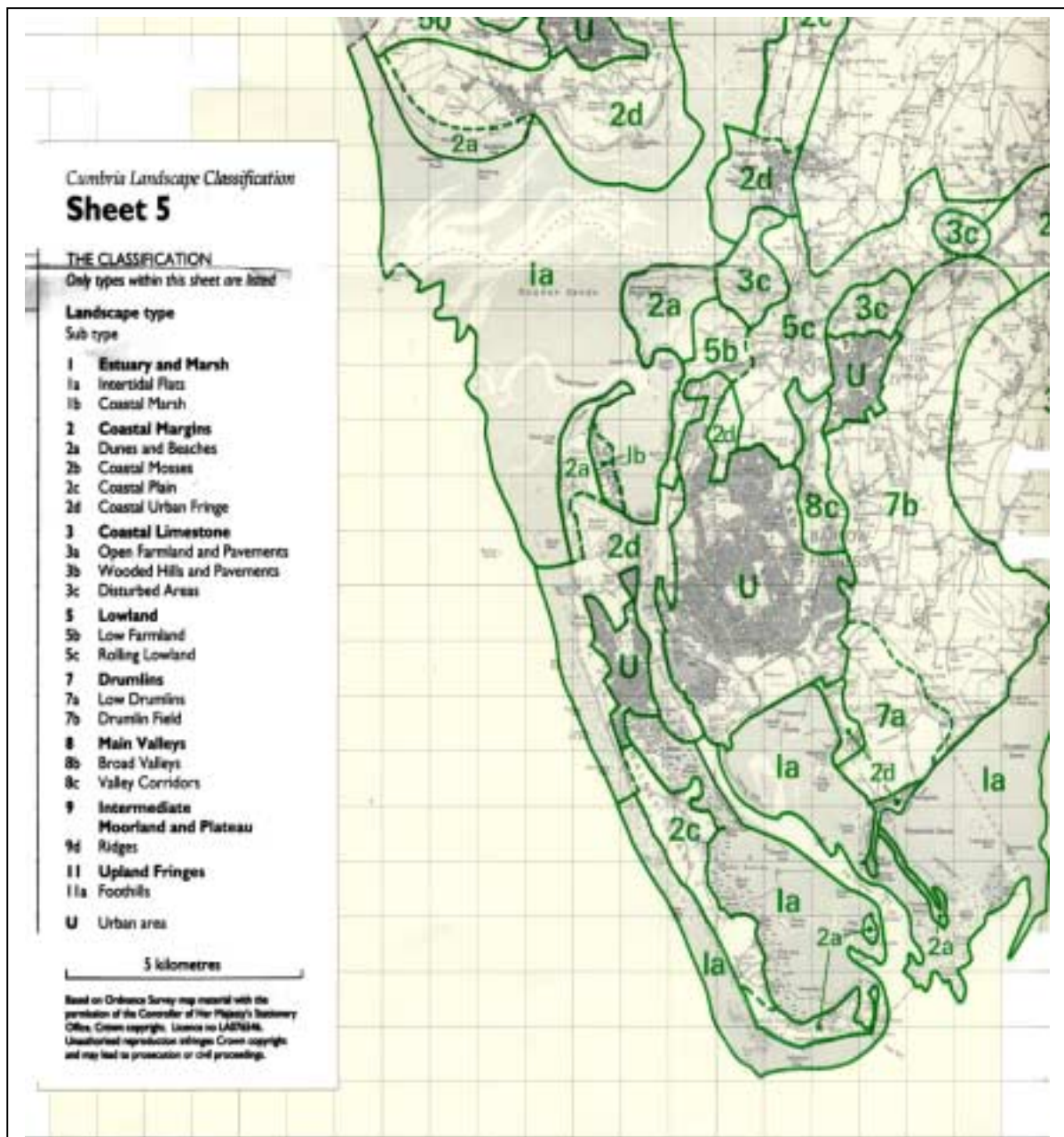
PPG23 Planning and Pollution Control

PPG24 Planning and Noise

PART 2 : LANDSCAPE CONSERVATION

A. The Countryside in General

5.2.1 The quality of the rural landscape is partly what attracts people to venture out of towns. The Borough is fortunate in having a variety of landscapes ranging from coastal scenery to moorland. A landscape appraisal of the Borough was commissioned from Cumbria County Council at the time of the original Local Plan to provide guidance on the quality of local landscapes, proposals for the protection of the



Plan 39 : Extract For the Borough From 'Cumbria Landscape Classification.' Cumbria County Council, October 1995

most important areas and identification of areas where landscape improvements should be a priority. The County Council has also now taken this type of work forward into a County-wide Landscape Strategy, produced in association with the District Councils, landowners and other bodies with an interest in the landscape. The guidance in this Strategy will relate to the various landscape types identified in the County Council's Landscape Classification published in October 1995. The classifications for the Borough area feature in Plan 39. The Authority will also, when considering development proposals, have reference to Countryside Character as defined in the Countryside Commission's policy statement 'Planning for Countryside Quality.'

Main Aims

5.2.2 The priority principles with regard to landscape conservation are:

- a) To identify areas where the needs of nature conservation, recreation and landscape conservation will be major considerations in conflicts over land use;
- b) To protect the most important areas for nature and landscape conservation from development;
- c) To identify priority areas for landscape enhancement;
- d) To provide guidance for the location of recreational activities in the countryside; and
- e) To protect, increase and enhance the Borough's limited areas of woodland.

5.2.3 Central Government guidance to local planning authorities and the policies in the Structure Plan seek to control development in the countryside for a number of reasons:

- to protect the landscape from intrusive and sporadic development;
- to conserve the best and most versatile agricultural land;
- to prevent towns and villages extending beyond acceptable limits;
- to avoid and reduce the need to travel;
- to avoid the need for costly infrastructure to serve isolated development, and
- to protect valued countryside for its own intrinsic qualities.

- 5.2.4 Any exceptions to these restrictions will be made in accordance with other Structure and Local Plan policies concerning housing, diversification of the rural economy, employment, tourism, etc. or where development is essential in the interests of agriculture. Proposals that may also come forward which would be of major benefit will be assessed against the criteria of Policy 54 of the Structure Plan, as these provide a good test for developments of both national and regional importance;

Structure Plan Policy 54 – Major Projects

Major developments that are more national than local in character and have significant environmental effects will only be permitted where:

- (a) The sum of national, regional and local benefits is shown to clearly outweigh any harm or risks to the local or wider environment;
- (b) The proposed scheme will be carried out in such a manner as to cause the least practicable harm;
- (c) Direct and indirect adverse impacts during construction and during operation (including those from the winning and working of construction materials, the disposal of waste and their transportation) are minimised; and
- (d) They do not harm areas or features of national conservation importance where it can be demonstrated that the benefits that would arise clearly outweigh the international or national conservation value of the interest affected.

- 5.2.5 Government advice in PPG7 *The Countryside - Environmental Quality and Economic & Social Development* is that the countryside should be safeguarded for its own sake and non-renewable and natural resources should be afforded protection. The term "countryside" is defined as including open fields, woodland and water areas, as well as isolated buildings, small rural settlements and groups of buildings outside the "residential cordons" of villages. Some of the latter categories would be classed as the developed countryside in the Structure Plan and, therefore, not subject to the same degree of protection. The Authority feel that a different line is appropriate to the Borough as its countryside areas are closely intermingled with urban areas and urban influences and thus subject to greater pressure. Furthermore the developed countryside in consequence enjoys an accessibility to towns and villages that allows development to be concentrated more easily into those towns and villages than elsewhere in Cumbria. This was the interpretation placed in the 1991 Borough Local Plan's comparable Policy (H1) and it has been successfully defended at appeal on a number of occasions, with some of the sites being in what the County Council would have classed as 'the developed countryside'.

POLICY D1

The Borough's countryside will be safeguarded for its own sake and non-renewable and natural resources afforded protection. Development will be permitted in the countryside only where there is a demonstrable need that cannot be met elsewhere. Where necessary development is permitted any adverse effect on the rural character of the surroundings should be minimised subject to the development's operational requirements.

B. County Landscapes

5.2.6 These areas are designated in the Structure Plan as a recognition of their distinctive features and of their topographical, visual, cultural or historic importance. This designation replaces the Areas of Great Landscape Value in the 1991 Plan. The Structure Plan policy concerned with County Landscapes (Policy 12) states that:

“Development and other land use changes detrimental to the distinctive character of designated County Landscapes will not normally be permitted. Development required to meet local infrastructure needs which cannot be located elsewhere, will normally be permitted, provided it is sited to minimise environmental impacts and meets high design standards.”

POLICY D2

Development harmful to the distinctive character of designated County Landscapes, as indicated in the Proposals Maps, will not be permitted. Development justified on grounds of need that cannot be located elsewhere will be permitted provided that it is sited to minimise environmental impacts and meets high standards of design.

C. Local Landscapes

5.2.7 These areas are not designated at County level because their size is of a more local significance. However, this does not diminish the value of their character and environmental quality, and their need for protection. For details of the specific aspects of the landscape character that this policy seeks to protect, reference should be made to the Borough Landscape Appraisal document produced by the Cumbria County Planning Department in 1988. These areas are based on the Areas of Special Landscape Value in the 1991 Local Plan. They have, however, been varied by deletion of the sections of the valleys through which the Dalton By-pass now passes. This was based on a re-appraisal of the area that forms Appendix 7.

POLICY D3

The following areas are designated as Local Landscapes:

- a) *Furness Abbey and Mill Beck Valley;*
- b) *Goldmire and Hagg Gills Valley; and*
- c) *Poaka Beck Valley, north of Dalton.*

In these areas priority will be given to landscape conservation and, therefore, development or land use changes detrimental to their distinctive character as Local Landscapes will not be allowed. Where development proposals are of major economic, social or environmental benefit and cannot be located elsewhere they will be considered, provided the siting minimises adverse environmental impacts and that it meets high standards of design.

These areas are also covered by Policy D1.

D. Green Wedges

- 5.2.8 This policy is carried forward from the 1991 Plan as it has proved successful in keeping important green spaces in the Borough's urban areas for formal and informal recreation, providing visually open areas and separating areas of development. The boundaries of the Green Wedges have undergone some adjustments to reflect the changing patterns of development since the previous Plan was devised.
- 5.2.9 For the Mill Beck Valley the area has been extended westwards to Flass Lane and the land to the north of the allocated housing site under Policy B1 has been included. At Dalton the whole area south of the By-pass, between Askam Road and Ulverston Road is now included. The Authority consider that this approach is preferable, in the local context, to that adopted by other authorities in Cumbria and favoured by the CPRE, of placing strict development cordons around urban areas. The justification for this is set out in Appendix 8 on Development Cordons.
- 5.2.10 The aim of Policy D4 is not to prevent all development but to ensure that any necessary development does not detract from the purpose of the green wedge. Should existing buildings become surplus to requirements they would be considered as a brownfield development opportunity within an otherwise open area. Redevelopment of existing buildings would be permitted provided that it did not increase the scale of existing built development or harm the green wedge setting. And, subject to satisfying any other policy criteria in the plan. In defining the boundaries of green wedges, built development at the edges has generally been excluded. In the case of buildings set within the open area it would be inappropriate to exclude such buildings as isolated 'holes' in the designation.

POLICY D4

The following areas have been designated as Green Wedges:

- a) *Mill Beck Valley*
- b) *Roosegate*
- c) *Land separating Ormsgill and Hawcoat*
- d) *Land north of Dalton*
- e) *Land between North Walney Estate and North Vickerstown*
- f) *Land at Anticross*
- g) *Land north of Flass Lane*
- h) *Land at Clovelly Terrace*

Development within Green Wedges that would detract from their value as a setting for recreation, providing important urban space and visual relief and contrast between residential areas would not be permitted.

E. Dalton / Barrow Separation

5.2.11 Structure Plan Policy 14 on the coalescence of settlements states that:

“Development will not normally be permitted which would result in an unacceptable reduction in the separation of towns and their surrounding settlements.”

5.2.12 This is particularly pertinent to the area between Barrow and Dalton, where there are neither, limits to development cordons or a green belt policy in place. This area is dominated by the Furness Abbey Local Landscape area, which as well as providing a valuable recreational and environmental resource assists with maintaining the settlement separation. There has also been a policy in place introduced in Committee minutes in 1986 prohibiting development between Newton Road and Long Lane on the basis of preventing settlement coalescence. However, it is felt that a comprehensive policy with this explicit purpose would provide a stronger basis for development control decisions.

POLICY D5

Land will not be released for development where this would result in a reduction in the clear separation of the settlements of Barrow and Dalton, unless:

- a) *It is essential for the needs of agriculture, forestry, local infrastructure or appropriate open air recreation and cannot be located elsewhere; and*
- b) *It does not significantly harm the rural character of the landscape.*

F. **Park Road Gateway Strategy**

- 5.2.13 In any town, the first impression made on visitors, whether they be shoppers, tourists or potential investors is the appearance of its main approach routes. Due to Barrow's location at the end of the Furness Peninsula, there is only one main road, the A590(T), providing great potential for creating and controlling the impression presented to all our visitors.
- 5.2.14 Following the completion of the Dalton bypass, the main route into Barrow has shifted from Abbey Road to Park Road. Along the Bypass the visitor is faced with the spectacular panoramic view of the town and the surrounding countryside, however, the town is then let down by the neglected appearance of Park Road.
- 5.2.15 These issues are dealt with in the Channelside Enhancement Strategy, the proposals of which are fully supported here.

POLICY D6

Development along Park Road and Walney Road will be required to provide for:-

- a) The co-ordination of commercial signage to present information in a clearer, more professional manner*
- b) The implementation of a comprehensive landscaping scheme;*
- c) Maintenance of verges to a high standard; and*
- d) The shielding of unsightly views and vacant sites.*

G. **The Coast**

- 5.2.16 PPG 20 provides guidance on the coastal zone. It advises that local authorities should recognise the need to protect remaining areas of nature conservation value within the developed coast. The PPG states that where the coastal zone is only a small part of the territory of the local authority, it is reasonable to expect the provision of land for housing and industry to be made elsewhere, and that the undeveloped coast should not be expected to accommodate new development which could be located inland or in existing developed areas. However, in the Borough of Barrow-in-Furness, a very large proportion of land is within the coastal zone and for this reason, should exceptional demand arise, an area of the undeveloped coast may be released for development, and any development will require the submission of an environmental impact assessment prior to any possible release of land.
- 5.2.17 Much of the length of the coast is in fact already afforded extra protection due to the presence of the extensive SSSI designations of international and national nature conservation importance.

5.2.18 Because almost all of the Borough's coast is of importance to local, national or international nature conservation interests, development will be resisted that does not respect the natural processes at work in the area. The Shoreline Management Plans (SMP) being prepared for Rossall Point to St. Bees head (Duddon Estuary) will provide a strategic framework for the development of sustainable policies for coastal defences, based upon the natural coastal processes. The SMPs will guide this Plan and developments that are not consistent with the SMP policies will be resisted.

POLICY D7

The coastal zone will be protected from development, unless that development is considered to provide significant economic, social or other benefits to the area and it could not be accommodated as satisfactorily elsewhere. Development will not be permitted in the coastal zone that would be likely to:

1. *Increase the risk of flooding, coastal erosion or instability through its impact on natural coastal process; or*
2. *Prejudice the capacity of the coast to form a natural sea defence or adjust to changes in conditions without risk to life or property; or*
3. *Increase the need for additional sea walls or other civil engineering works for coastal protection purposes except where necessary to protect existing investment (or achieve the Council's strategic planning objectives); or*
4. *Be prejudicial to local fisheries; or*
5. *Have an unacceptable adverse effect on natural landscape character or be prejudicial to people's enjoyment and understanding thereof; or*
6. *Have an unacceptable adverse effect on area of historic, conservation or wildlife importance; or*
7. *Have an adverse effect on the recreation activities of the coastal zone.*

5.2.19 Access and Recreation - Where suitable development occurs in the coastal zone, this may provide an opportunity for the improvement of recreational use of the coast through the opening up of previously inaccessible land.

POLICY D8

Where practicable and where this does not conflict with the interests of nature conservation and agriculture, the Authority will seek, through the use of Section 106 Obligations, to arrange opportunities for public recreational access to the coast, particularly in order to provide walking/cycling routes.

PART 3 : NATURE CONSERVATION

- 5.3.1 Nature Conservation is an important part of putting the concept of sustainability into practice. Its aim is to ensure that our heritage of plants and animals, their habitats and natural features remain as large and diverse as possible. English Nature is the agency responsible in England for advising Central and Local Government on all aspects of nature conservation. In particular the agency is responsible for designating statutory sites of international and national importance and providing supportive statements on locally important sites, including statutory and non statutory designations.
- 5.3.2 Planning Policy Guidance Note 9 states that Local Plans should identify relevant international, national and local nature conservation interests and ensure that the protection and enhancement of those interests is properly provided for in development and land use policies.
- 5.3.3 The aim of the plan is to identify all nature conservation sites of importance in the Borough and provide a policy framework which enables any prospective development to conserve or enhance the nature conservation value of the Borough as a whole.
- 5.3.4 While the Council seeks to protect areas of nature conservation value, it should be recognised that this may not always be achievable. When situations come about which, under the policies of this plan, merit the approval of developments or land use changes which adversely affect the nature conservation value of a site the Council will seek to minimise the damage to the site.
- 5.3.5 Whilst affording protection to land with nature conservation value there are a number of sites within the Borough that have become derelict, vacant or under-used in previous years. Priority will be given to any developments on derelict, vacant or under-used land that include measures to improve the nature conservation value of a site.

A. Internationally Important Sites

- 5.3.6 Sites of international importance are recognised by Governments throughout the world as important sites for nature conservation. There are three main categories including as follows:

Ramsar Sites: Listed under the Convention on Wetlands of International Importance.
(Statutory designation is SSSI, Site of Special Scientific Interest)

Special Protection Areas (SPA's): Classified under the EC Directive on the Conservation of Wild Birds

Special Areas of Conservation (SAC's): These are to be designated under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora.

- 5.3.7 In October 1996 Morecambe Bay was classified as an SPA and listed as a 'Ramsar' site, as was the Duddon Estuary in March 1998.
- 5.3.8 Morecambe Bay, including part of the Duddon Estuary S.S.S.I is additionally a candidate 'Special Area of Conservation' (SAC) under the European Directive 92/43/EEC for the Conservation of Natural Habitats and of Wild Fauna and Flora. This means that it is still afforded the same level of protection as a designated site, to protect it from damaging development activities and land use changes in the interim period prior to possible designation.
- 5.3.9 Development and land use changes affecting sites of International importance will be subject to the most rigorous examination, reflecting the hierarchy of significance of the various types of designation as required in PPG 9. Proposals will be dealt with on the basis of Structure Plan Policy 18, which states:

“Development and other land use changes which are detrimental to nature conservation interests of international importance will not normally be permitted. Exceptions will be made only:

- a) Where an overriding public interest can be demonstrated to outweigh the international conservation interest; and
- b) Where the need for the development or land use change cannot be met in other locations where they would be less damaging or by reasonable alternative means.”

POLICY D9

Proposals for development or land use which may affect a European site, a proposed site or a Ramsar site will be subject to the most rigorous examination. Development or land use change not directly connected with or necessary to the management of the site, that is likely to have significant adverse effects on the site (either individually or in combination with other plans or projects), and which would affect the integrity of the site will not be permitted unless the authority is satisfied that:

- ***There is no alternative solution; and***
- ***There are imperative reasons of overriding public interest for the development or land use change.***

B. Nationally Important Sites

5.3.10 These sites are recognised by Central Government as having special nature conservation value in the interests of the nation and include the following categories :

National Nature Reserves (NNR) designated as SSSI's
Sites of Special Scientific Interest

Bird Sanctuaries

5.3.11 There are a number of nationally important sites in the Borough and these are:

National Nature Reserve (NNR)	- North Walney
Bird Sanctuary	- Foulney Island
Sites of Special Scientific Interest (SSSI)	- Morecambe Bay
	- Duddon Estuary
	- South Walney and Piel Channel Flats
	- Elliscales Quarry

POLICY D10

Proposals for development or land use changes affecting nationally important nature conservation interests will be subject to special scrutiny. Where development may have a significant adverse effect on the nature conservation interest or integrity of an SSSI it will not be permitted unless the need for development outweighs both the value of the site itself and considerations of the national policy to safeguard the intrinsic nature conservation value of the national network of such sites. In the National Nature Reserve and Foulney Island Bird Sanctuary particular regard will be paid to the individual site's importance.

In exceptional circumstances where development is permitted the council will use planning conditions and obligations to ensure the protection and enhancement of the site's nature conservation interest.

C. Sites of Regional, County or Local Importance

5.3.12 As well as international and nationally important interest in the Borough there are a number of other sites that have been identified as having nature conservation value. English Nature and other interest groups such as Cumbria Wildlife Trust and Cumbria Rigs group have an interest in these matters on a more local scale.

5.3.13 Locally designated sites must be of substantive conservation value to merit protection in this fashion in order to prevent the imposition of strict controls on development in too many locations and thus unduly stifle reasonable development.

The sites identified in this Plan are:

Local Nature Reserves (Proposed LNR)	- Ormsgill Reservoir
Regionally Important Geological/ Geomorphological Sites (Non statutory RIGS)	- Sandscale Haws - Hawcoat Quarry - Rampside Marsh - Dunnerholme Point - Greenscoe Quarry - Mouzell Mines - Greenhaume Road Cutting

POLICY D11

Development and land use changes which may have a significant adverse effect on an interest of local importance (i.e. Proposed and Statutory Local Nature Reserves and Regionally Important Geological/Geomorphological Sites and the Wildlife Sites set out in Para. 5.3.16) will not be approved unless the need for the development clearly outweighs the nature conservation value of the site.

D. Wildlife Sites

5.3.14 Outside the four sites of special scientific interest there were seventeen areas of Local Natural History interest shown in the 1991 Borough Local Plan, as follows

- a) Wet meadow, Sandscale Haws
- b) Reservoir and the hillock to the north, Project Furness
- c) Lower Ormsgill Reservoir
- d) Hawcoat Quarry
- e) Goldmire Valley
- f) Greenscoe Quarry
- g) Dalton Railway Cutting
- h) Marton Quarry
- i) Roosecote Moss
- j) Dalton/ Lindal mining area
- k) Walney Grasslands
- l) Sowerby and Park Road Woods

- m) Burlington Pits
- n) Abbotswood
- o) Stone Dyke
- p) Land at north-west corner of “Parklands” Estate, Askam
- q) The Pier, Askam

5.3.15 The Council recognises there remain areas outside the four designated SSSIs in the Borough that require special protection due to their ecological habitats. Whilst these areas of Local Natural History Interest have no statutory designation, they do, however, provide a valuable contribution to the natural environment, harbouring a diversity of wildlife and plants. To ensure the survival of these areas, the Council will continue to protect this rich wildlife heritage and resist development that is seen to be detrimental to their conservation interest.

5.3.16 In order to identify these areas, the Council commissioned Cumbria Wildlife Trust to carry out a new survey reviewing the above sites (5.3.14) and assessing others considered suitable, as part of the Trust’s Wildlife Sites Project. The Wildlife Sites Project is part of a nation-wide Wildlife Sites System. It is a Partnership Project in Cumbria with support from a wide range of organisations including English Nature, Cumbria County Council, the Environment Agency, WWF and local authorities. Liaison with landowners is a key part of the project. Advice on management and grants is offered as part of the project. Wildlife Sites are assessed against an agreed set of Wildlife Site Selection Criteria by a Selection Panel of ecologists in the county. Since the initial survey carried out at the time of the 1991 Borough Local Plan, three sites have been recognised to be of national importance to warrant SSSI status, (Wet meadow, Sandscale Haws, land at north west corner of “Parklands” Estate, Askam and The Pier, Askam) and two are now categorised by English Nature as Regionally Important Geological Sites (RIGS), namely Greenscoe and Hawcoat Quarries. In addition a further seven sites have been included. The completed revised list is as follows:

- a) Lower Ormsgill Reservoir & Cocken Pool
- b) Goldmire Valley (Excluding Millwood)
- c) Dalton Railway Cutting
- d) Stank and Roosecote Moss
- e) Dalton & Lindal Mining Area
- f) Walney Airfield Heath Walney Grasslands
- g) Sowerby & Park Road Woods
- h) Roanhead Mines
- i) Abbotswood
- j) Stone Dyke
- k) Askam Wood*
- l) Cragg Wood*
- m) Lots Pools*
- n) Rampside Golf Course*

- o) Hillock Whins*
- p) Willow Woods, Lenny Hill*
- q) Furness Golf Links*
- r) Salthouse Pool
- s) Millwood+
- t) Park Road Woods, East of Oak Lea Road+
- u) Biggar Bank+

* New sites recommended by Cumbria Wildlife Trust, following Wildlife Sites Project.

+ Sites classed as Local Natural History Interest in the 1991 Local Plan which the Authority still consider to be of wildlife interest but which are not now felt by the Wildlife Trust to conform to their Site Selection Criteria.

E. **Protected Species**

5.3.17 Many rare or vulnerable species are not restricted to habitats of high nature conservation interest. As protected species are a material consideration in making decisions on development it is important that a policy is included to prevent unnecessary loss of species diversity. Whilst badgers and seals are protected by separate legislation, the requirements of Articles 12-16 of the Habitats and Species Directive 92/43 EEC relate to the Conservation of Natural Habitats and of Wildlife and Flora. There is a need for the Local Planning Authority to consult with English Nature on any planning application affecting a protected species.

POLICY D12

Development or demolition that would significantly adversely affect animal or plant species protected by Schedules 1, 5 & 8 of the Wildlife & Countryside Act 1981 (as amended) will not be permitted. If planning permission is granted which may have an adverse effect on protected species the local planning authority will, where appropriate, impose conditions and/or will use its powers to enter into Section 106 Obligations to;

- i) Safeguard the survival of individual members of the species;*
- ii) Reduce habitat disturbance to a minimum; and/or*
- iii) Provide suitable alternative habitats.*

F. **Wildlife Corridors**

5.3.18 While the areas of particular importance for their individual characteristics receive recognition and protection through the designations above, this does not mean that no other areas merit some level of protection. Wildlife Corridors provide cover and a network of routes along which wildlife can travel, in relative safety, with access to relevant food sources and areas to shelter, linking a variety of habitats, and being perhaps more valuable in terms of sustainability and biodiversity than a series of isolated sites. These areas not only provide nature conservation benefits, but can also make positive contributions to the landscape, to recreation, education and the quality of life of local residents in a way that some of the designated areas above cannot due to their sensitive structures and rarity. The ecological benefit in maintaining the continuity of these areas would be enhanced by locating positive schemes for wildlife in them. The precise location of the Wildlife Corridors is identified on the Proposals Map.

POLICY D13

Proposals for developments or land use changes which adversely affect, direct or indirectly, the integrity of wildlife and landscape features such as hedgerows, ponds, woodland or continuity of the Wildlife Corridors will only be approved if the development cannot be accommodated elsewhere and the need for the development clearly outweighs the need to retain that particular section of the wildlife network. Where the development will result in the loss of trees or woodland or other wildlife features, the Authority will require the developer to submit a detailed landscaping scheme with the planning application, which must be completed as part of the development, and which must provide for the replacement of trees or other wildlife features lost as a result of the development.

G. **Community Woodland**

5.3.19 A major habitat creation project to be carried out over the plan period is the development of Walney Community Woodland as part of the Borough's overall Woodland Strategy. The woodland will provide a variety of benefits for local residents, maintaining the separation of the built up areas of North Vickerstown/North Scale and West Shore, serving as an educational resource and creating opportunities for a variety of recreational activities such as walking, cycling and riding. A similar scheme has been implemented on vacant land between Hawcoat Quarry and Cliffe Lane. These schemes and others will be evolved in partnership with the Forestry Commission, the Woodland Trust and other relevant bodies in order to promote and enhance countryside character.

POLICY D14

Land on North Walney and Hawcoat identified on the Proposals Map is designated as a Community Woodland. This will include the provision of recreational facilities for walking, cycling and horse riding to promote recreational activity and enhance the environment generally.

PART 4 : URBAN DESIGN AND VISUAL AMENITY

Townscape and Conservation

5.4.1 The Local Plan area contains a diverse range of residential suburbs, industrial areas, a small town and several villages. Each has its own character created by the buildings, the spaces between them and very often the interest shown by people in their community. The Local Plan aims to improve the environment of the Borough by conserving the heritage of the area and promoting and encouraging the 'greening' of the towns and villages.

Conservation Areas

5.4.2 The Local Plan area contains nine conservation areas and around 700 buildings listed for their historical or architectural importance. The conservation areas range from the Victorian modified landscape of the Furness Abbey area to the workers' suburbs of North and South Vickerstown. North Scale and Biggar conservation areas cover the original settlements on Walney Island; also designated are the rigid street layouts of the Town Centre influenced by Ramsden's plan for the town and the older parts of the villages of Lindal and Ireleth. Dalton is the ancient capital of Furness and the conservation area takes in the old centre based on the Castle and the Market Place.

5.4.3 The conservation areas contain mainly residential properties and the demand for housing has ensured that there are few problems of empty properties and dereliction, though this is a matter that will have to be reviewed over the Plan period. That is not to say, however, that there are no problems.

5.4.4 Since the time of the last Local Plan there have been a number of developments affecting conservation areas:

- a) A new conservation area was declared in 1993 based on the tenement blocks of Barrow Island.
- b) In Dalton there has been an Article Four Direction providing increased control over alterations to residential property (such a measure of control may also be considered to be justifiable by the Authority in other Conservation Areas in due course).

- c) Also in Dalton a Conservation Area Partnership Scheme with English Heritage ran from April 1995 to March 1998, with an enhanced grants package available.
- d) A Conservation Area Partnership for Central Barrow has been agreed in principle with English Heritage and the Heritage Lottery Fund, to run for three years from April 1998.

5.4.5 As part of the preparation for this Review the Authority has undertaken an analysis and review of its current conservation areas and of another that has potential to be considered for designation (Mount Pleasant/Storey Square, Barrow). This review forms an appendix, see appendix 9. The Authority intend to publicise a thorough review of its conservation areas, which will identify those which it believes should be extended, those amended and those deleted. This will also analyse additional areas, which have historic character and may merit designation, such as Mount Pleasant/Storey Square and the old villages of Hawcoat and Newbarns. It will also be subject to full public consultation. The Authority will then undertake the necessary formal designation process. The criteria to be taken into account will include their present historic interest and architectural character of their built elements, the quality of their overall environment, and the ability to interpret and appreciate these characteristics from the spaces within and outside them.

Listed Buildings and Ancient Monuments

- 5.4.6 The majority of the Listed Buildings in the plan area are concentrated in the conservation areas. They vary from houses to castles and include many farms and farm buildings. Grant aid from the Borough Council and English Heritage has been an important incentive in ensuring repairs respect the character of the building by the use of traditional materials and it is vital that such help continues to be available. An updated list was published by the Department of National Heritage in 1993.
- 5.4.7 There are four scheduled Ancient Monuments in the Local Plan area - Furness Abbey and precinct wall, Bow Bridge, Piel Castle and Dalton Castle. There are also a number of sites of local archaeological interest that require some protection.

Landscaping and Open Space

- 5.4.8 Barrow and Dalton are very tightly developed compared to many other towns. There are relatively few areas of open space and 'soft landscaping' (i.e. trees, shrubs and grass), particularly in housing areas built before the last War.

5.4.9 Various opportunities could be taken to remedy the lack of landscaping in the central area. There are many sites on Walney Road which would benefit from planting although due regard should be given to the security aspects of landscaping around industrial premises. This road will be of increasing importance as it now forms the main entrance into the town. Much of the town centre is tightly developed restricting the growth of mature trees but the space available on car parks (both public and private) gives the scope for trees to achieve full growth without causing significant problems. In the residential areas the impact of existing green sites can be increased by denser planting, new developments can incorporate planting and sites for planting can be found within existing housing areas and conservation areas.

Good Design

5.4.10 Since the original Local Plan considerable encouragement has been given to local authorities by Government and semi-Government bodies towards the inclusion in Local Plans of policies encouraging good design, in both town and country.

5.4.11 A keynote was provided by the publication of the Secretary of State's document "Quality in Town and Country" in 1994. This set out how the nation, as it emerges from recession, can expect to enjoy greater wealth through an improved quality of life.

5.4.12 In the preface there are three key phrases about Quality:

“1. Quality affects us all

Architecture is the only art form which is inescapable. Good urban design can reinforce a sense of community, whereas a depressing environment destroys local pride, attracts crime, deters investment and leaves people feeling powerless. Quality attracts quality, good design attracts life and investment and a strong community stands out against crime. So improvement of our buildings and the streets and spaces which they define will surely improve the quality of all our lives.

2. Quality is sustainable

Sustainable development is about how we develop in this generation without stealing from the next. It is about how we use the wealth from growth to build a better world - built to last. Sustainable development means a war on waste - of land, of energy and of travel time. Our urban areas cannot accommodate unlimited growth in road transport. Nor can our environment tolerate it. We need to find ways in the longer term of containing our dependence on the motor car and managing its impact on urban life.

3. Quality pays

Good quality is good economics. A quality building and environment will last. Short term costs must be faced and accepted in order to avoid greater long term costs of maintenance and replacement.”

5.4.13 The document promotes collective responsibility in order to achieve its aims. The quality of our surroundings depends not only on Government and developers, but upon companies, the professions, local authorities and individuals, “The responsibility for what is built, and where, is shared, as are the rewards which good quality bestows”.

5.4.14 Whilst the document is concerned with the quality of the entire built environment, including buildings in the countryside, its main focus is on urban areas, as this is where most people live and work, where most development takes place and where the greatest opportunities for improvement lie.

5.4.15 In terms of building design the document stipulated that quality should be sought both in buildings where the setting demanded a more conservation - related approach and in cases where a more innovative approach was appropriate:

“A new building is rarely viewed in isolation: people both see and use a building in context. It is important that new development recognises that context, which may mean the immediate neighbours, the street or square, or the building traditions of the wider area. Successful new buildings are often those that unselfconsciously integrate into their context, borrowing from local building techniques and using local materials. Yet there are always instances where something different is required. We should ensure that the planning system does not stifle responsible innovation and originality.”

5.4.16 In PPG1, General Policy and Principles, published in March, 1992, the Government re-emphasised that design was a material consideration for planning authorities and gave a broad overview in Annex A of the best principles for designers and authorities to achieve good design. New development should respect the character of their surroundings. The appearance and treatment of the spaces between and around buildings is of great importance and planning authorities should reject obviously poor designs which are out of scale or character with their surroundings. Development plans and guidance for particular areas or sites should provide applicants with clear indications of planning authorities design expectations. This advice has been reinforced by the inclusion of a fuller section on Design in the revised PPG1 published in February 1997 (Paragraphs 13-20). This new advice emphasises that the design of buildings and urban design are material considerations and in Paragraph 14 it gives a full definition of the concept of urban design.

5.4.17 Further encouragement to the achievement of good design, particularly in the countryside, was also given in 1996 by the instigation of the Countryside Commission's national programme, 'Design in the Countryside', which focuses on regional diversity, local distinctiveness and the harmony between buildings, settlements and landscape. For planning authorities the Commission want them to produce Countryside Design Summaries on a district basis as Supplementary Planning Guidance, to enable links to be made between building design and countryside character, and to identify principles that can be applied to the design of new buildings. They also wish to encourage community groups to produce Village Design Statements for their own villages.

Main Aims

5.4.18 The Authority's main aims are:

- a) To restore and improve the townscape, especially in the Conservation Areas.
- b) To encourage the full use of Listed Buildings and ensure that proposals to alter or change their use are not detrimental to their character or special interest.
- c) To encourage good design and quality developments.
- d) To encourage "hard" landscaping and the planting of trees and shrubs in suitable locations.

A. Listed Buildings, Conservation Areas and Design

5.4.19 Listed Buildings and Conservation Areas within the Borough have been designated as a result of their special architectural or historic interest being worthy of protection. This, however, does not mean that development cannot take place within them, rather that new development, where justified, should contribute to the special character of the building or area. Local planning authorities must consider whether the new development does this and in order to do this, full details will be required when planning applications are to be made.

5.4.20 The open spaces within conservation areas make a strong visual contribution to the character of the areas. The quality of the environment in these places often influences the public perception of the whole conservation areas. This is particularly relevant in the cases of:

Market Place and Tudor Square, Dalton;
The Green, Lindal;
Ramsden Square and Schneider Square, Barrow; and
St. Georges' Square, Barrow

Through the Bypass Demonstration Project, the environments of Market Place and Tudor Square have been upgraded. The other conservation area focal points will be enhanced through regeneration and planning initiatives as funding opportunities arise.

POLICY D15

Development within or affecting the setting of Conservation Areas will only be permitted where it preserves or enhances the character or appearance of the Area. In particular it should:

- 1. Respect the character of existing architecture and any historical associations by having due regard to positioning and grouping of buildings, form, scale, enclosure, detailing and use of traditional materials;***
- 2. Respect existing hard and soft landscape features including open space, trees, walls and surfacing;***
- 3. Respect traditional plot boundaries and frontage widths; and***
- 4. Respect significant views into or out of the Areas.***

Applications for:

- a) Listed Building Consent; or***
- b) Planning consent for alterations to un-listed buildings within Conservation Areas or new buildings affecting the setting of a Listed Building***

must show full details unless otherwise agreed with the Planning Authority.

5.4.21 In considering applications for demolition or part-demolition of listed buildings or buildings in conservation areas, the Local Authority must give consideration to the desirability of preserving the building in its setting and the effect of such a proposal in a conservation area. In certain circumstances the Local Authority may consider making a Section 106 Agreement with the applicant to ensure the after-use of such sites.

POLICY D16

The total or substantial demolition of a Listed Building or similar treatment to an un-Listed Building in a Conservation Area will only be permitted if:

- a) Every reasonable effort has been made to continue the present use or to find a suitable alternative use for the building;***

- b) *The demolition will not result in the loss of a building which is important to the setting of the Listed Building or another nearby Listed Building or the Conservation Area; and*
- c) *A detailed scheme for redevelopment of the site has previously been granted planning permission and a contract for the erection of a new building entered into, or the Local Authority is otherwise satisfied that the scheme will be implemented. Exceptionally, consideration of the importance of the building, the condition and the importance of any alternative use of the site following demolition may lead to consent.*

5.4.22 There are certain buildings within conservation areas, especially central Barrow and Dalton, which have been empty for some time and there are others in these and other conservation areas that may become empty over the Plan Period. It is important to ensure that they are kept in use and well maintained. The Council seeks to conserve these buildings and where necessary it will adopt a flexible attitude towards their use.

POLICY D17

Applications for the re-use of empty Listed Buildings or prominent buildings in Conservation Areas will be given favourable consideration provided the redevelopment will not result in the significant loss of the property's special architectural details or its historic fabric.

5.4.23 Alterations and additions to Listed Buildings should respect the scale, materials and form of the building. The Local Planning Authority would normally expect applications for Listed Building Consent to specify materials and detailing to be used in proposed development. Similar considerations would apply to the properties in the Dalton Conservation Area that are subject to the Article Four Direction.

POLICY D18

Alterations and additions to a Listed Building or those properties affected by the Article Four Direction will not be permitted if they adversely affect its character and setting or its architectural or historic features. In particular, the following alterations are likely to be unacceptable, particularly where they pose a conflict with the traditions of the building type or the area;

- a) *The use of non-traditional roofing materials;*
- b) *The use of uPVC or aluminium or other non-traditional materials or styles for windows and doors;*
- c) *Pebble-dashing, or rendering of any type where this would result in the loss of features such as stone-work or ornamental brickwork;*

d) *The removal of any special features such as ornamental ironwork, carved stonework or brickwork, etc; and*

e) *The use of uPVC gutters and downspouts.*

5.4.24 Whilst the implementation of this policy will result in an increased cost to property owners, the Borough Council will encourage those owners to apply for the relevant grants. Design guidance will be produced for the benefit of property owners.

5.4.25 The Town Hall is a major focal point in the town centre. Its present surroundings of a car park to the west and concrete market and halls building directly opposite to the east do not enhance it. The opportunity to create attractive open civic space should be seized in redevelopment. This would also help to make good the shortfall in open space in the town centre and give more of a sense of focus.

POLICY D19

Development in and around the area between the Town Hall and Lawson Street and between the Town Hall and Forum 28 should, if possible, create open civic spaces and enhance the setting of the Town Hall. The publicly owned and accessible open areas at the core of these areas are formally designated hereby as Civic Open Space.

5.4.26 In the 1991 Borough Local Plan certain gap sites were identified as detrimental to the townscape and having development potential. Alas they still remain as gap sites and the same considerations apply.

POLICY D20

The following sites in the Central Barrow Conservation Area are particularly identified as suitable for infill with buildings at a scale and design to complement adjoining buildings (subject to other planning criteria) -

- *Site of 116-118 Duke Street, Barrow (former Franchi building);*
- *Site of 57 Duke Street, Barrow;*
- *Site of 80-82 Duke Street, Barrow; and*
- *The Ramsden Square Bus Lay-by Area, Barrow.*

5.4.27 The importance given by PPG1 to design as a material consideration now merits the introduction of policies to ensure that development and infrastructure changes are carried out with adequate sensitivity to their surroundings. Development will therefore, be required to be related to the General Design Code, as follows:

Setting: the setting of any building should be carefully considered, whether in the countryside or in a built-up area. Attention should be paid to its impact on public views into, over, and out of the site. Those views should not be significantly harmed, and opportunities should be taken to enhance them or open up new views. In the countryside, or on the edge of towns and villages, buildings should be located to sit comfortably in the landscape. Buildings on the skyline should be avoided, unless local circumstances deem this to be appropriate for the site.

Harmony and street scene: new buildings should be in harmony with others around them. They can add interest and variety but should not be out of keeping overall. They should be visually well-mannered towards their neighbours. Where buildings are arranged in gentle curves, irregular building lines, or sit on or close to the rear of the footpath, these local characteristics should be emulated in new development. New roofs should fit in with the roofscape of the area. Dormers that break up an unrelieved roof plane, where this is important to the character of a building, or rooflights that would spoil an unbroken vista of roofs, will not be permitted.

Proportion: new buildings should be well proportioned and relate to the human scale. All extensions should be in scale and character with the building to which they are added. Elevations should be in proportion with one another and with surrounding buildings. Excessive bulk should be avoided. The size, spacing, and location of openings should be in proportion and related to the function of the building and harmonious with its architectural style. Shop fronts should reflect the character and architectural style of the upper floors and the distinction between separate buildings; they should be of materials and colours appropriate to the building, and be well proportioned in themselves.

Simplicity, detail, and decoration: as a general principle, the design of new buildings should be simple, avoiding over-fussy detailing. Within this principle, opportunities should be taken to add interesting details, ornamentation, and expressions of local craftsmanship. The nature and colour of external woodwork, cladding and rainwater goods, should harmonise or successfully contrast with the colour of the walling materials. Large new buildings on the edge of towns or villages or in the open countryside should be constructed in vernacular or traditional materials or finished or clad in colours that complement their surroundings.

Materials: new buildings should be constructed of materials typical of, and used in similar proportions to, those traditionally used in the immediate surroundings. In certain circumstances the Council will require the construction of sample panels on-site, to be approved before building work commences, and to be kept for reference throughout the work.

POLICY D21

In determining all applications submitted to it the local planning authority will have regard to the General Design Code set out in paragraph 5.4.27 of this plan.

In towns and villages, proposals shall relate to the context provided by buildings, street and plot patterns, building frontages, topography, established public views, landmark buildings and other townscape elements. Proposals that do not respect the local context and street pattern or the scale, height, proportions and materials of surrounding buildings and development which constitutes over development of the site by virtue of scale, height or bulk will not be permitted, unless there is specific justification, such as interests of sustainability, energy efficiency or crime prevention.

Development proposals in the countryside shall respect the diversity and distinctiveness of local landscape character. New farm buildings will, in general, be required to be sited within or adjacent to an existing farm building complex or in other well screened locations and to be subject to a complementary design and use of materials, with, where necessary, a 'planting' scheme.

B. Archaeology and Sites of Historic Importance

5.4.28 Archaeological remains are a physical record of our past, sometimes able to provide us with vast quantities of information if they are dealt with in an appropriate manner. They are a finite and non-renewable resource, which is part of our national and local heritage and culture, valuable for both its own sake and for its role in education, leisure and tourism. PPG16 considers issues of archaeology in planning and expresses a strong preference for the preservation of remains 'in situ'. If full excavations take place much of the information contained is destroyed in the process, with only the removable artefacts surviving. This leaves nothing for the future when improved technology may enable us to discover more than we could now.

5.4.29 The Planning and Compensation Act 1991 placed an increased emphasis on the development plan as the basis for development control. The Council is greatly in favour of a presumption against proposals that significantly alter, or have an adverse impact of sites or settings of scheduled ancient monuments and other nationally important remains, while emphasising that preservation must be assessed on the merits of the individual case. The scheduled ancient monuments at present are listed above in Paragraph 5.4.7.

POLICY D22

There is a presumption in favour of the physical preservation of scheduled ancient monuments and other nationally important remains and their settings. Development proposals that would unacceptably adversely affect the site or setting of remains of archaeological or historic importance will not be permitted.

POLICY D23

Where the importance of known remains, or the archaeological potential of a site is not adequately understood, applications for development will only be accepted when accompanied by an evaluation of the archaeological importance of the site. Planning permission will not be granted without adequate assessment of the nature, extent and significance of the remains present and the degree to which the proposed development is likely to affect them.

- 5.4.30 Permission may be subject to conditions requiring an appropriate programme of archaeological work to be carried out in advance of, or during any, subsequent development.
- 5.4.31 At present the County Archaeologist produces lists of sites which may have archaeological or historical importance. Such sites will be afforded special consideration when dealing with proposals for development.
- 5.4.32 On greenfield sites where nothing may be known but where the topography and setting may be such as to have attracted earlier human activity, an evaluation of the archaeological potential of the site must accompany an application for development.

POLICY D24

Other sites of potential local historical and archaeological importance will be protected. Where an assessment/field evaluation demonstrates that development affecting such sites is acceptable in principle, the use of planning conditions and/or legal agreement will ensure the mitigation of damage through preservation of the remains in situ: when insitu preservation is not justified the developer will be required to make adequate provision for excavation and recording before or during development

C. Open Space and Landscaping

POLICY D25

The Council will require major developments to incorporate or provide amenity space of benefit to the public or occupiers wherever possible. This policy will apply to developments that are considered to be important within a neighbourhood.

- 5.4.33 The policy below is aimed at redressing the shortage of amenity space in the Borough. Amenity space is defined here as hard or soft landscaped areas either with access to the public for informal recreation, e.g. sitting out or providing visual relief within an area lacking in landscaped areas. The Council will specify arrangements for these areas remaining in the public realm by Section 106 Obligation. In new housing areas amenity space can also be combined with the provision of a playground.

POLICY D26

Open areas will be protected from development where they:

- a) Are important to the appearance and character of housing areas or settlements; or*
- b) Are used as amenity areas by the public*

5.4.34 Open areas make a valuable contribution to the character of settlements and residential areas and in some cases have been provided as 'public open spaces' for residents to enjoy. It would be undesirable for all open spaces to be built upon and the Borough Council will seek to retain areas that contribute to the amenities of the area.

5.4.35 Whilst this is a Plan area-wide policy, particular importance is attached to maintaining publicly accessible or visual amenity open spaces in Barrow Island, Central and Hindpool Wards as these have the highest average density of development.

5.4.36 The maps showing residential cordons indicate amenity areas that will be protected from development in villages. Certain larger belts of urban open space have also been identified under this Policy as follows:

Dalton

King Street
Dalton Cricket and Football Grounds

Barrow

Skelwith Drive
Land at Elterwater Crescent
Dunmail Raise
Land at Portland Crescent
Park Road and Bank Lane frontage to Ormsgill Estate
North West Yard
Cavendish Park
Barrow Slag Bank
Newby Terrace
East Mount Triangle
Leith Flat Brow
Fairfield Lane Triangle
Barrow Park
Land between Lesh Lane and Park Drive
Bridgeway Avenue
Holbeck Hill
Land between North and South Row and adjacent to West Row, Roose

Land between Newbarns and Croslands Park
Avon Street
Carr Lane
Furness Golf Course/Sandy Gap/Tummerhill/Biggar Bank

Askam

Land between Beach Street and Sharp Street

POLICY D27

Development proposals which result in the unacceptable loss of existing trees on development sites will not be permitted unless their loss is unavoidable, when the developer will be required to provide replacement trees on site or at other suitable sites nearby.

POLICY D28

Development proposals will be expected to include a survey of existing landscape features and a landscaping scheme of a professional standard must be submitted with applications where deemed appropriate.

5.4.37 This is a policy to avoid loss of greenery in the Borough. In considering proposed development, the Borough Council will use the Arboricultural Association guide "Trees on Development Sites". Conditions requiring landscaping schemes, showing new planting and measures for its protection maintenance and renewal, where necessary, will be imposed where appropriate.

5.4.38 The landscaping around buildings can contribute much to the character of an area, providing screening, shelter or an attractive setting and should use appropriate native species whenever possible. Landscaping, both hard and soft, can help integrate a new development into a sensitive environmental setting. It will usually be appropriate for landscaping to retain and augment existing landscape features, whether natural or man-made (such as woods and hedges). Landscaping should be carried out as early as possible to maximise its impact.

POLICY D29

A high standard of landscaping will be required of appropriate new development, both for the initial scheme and its long-term maintenance. Where possible, existing landscape features shall be integrated into landscape schemes. Where the District Council intends to adopt an area of landscaping, a commuted payment will be required to meet the cost of 10 years maintenance. The requirements of this policy will be implemented as a condition of planning consent, or by planning obligation as appropriate.

POLICY D30

Development proposals which may cause significant damage or destruction to a tree or woodland protected by a Tree Preservation Order, or within a Conservation Area, will only be permitted where;

- a) No alternative site is available; or*
- b) There is an overriding need for the proposal which outweighs the need to preserve the tree or woodland; or*
- c) Mitigating measures are available to minimise damage and secure worthwhile replacement planting.*

5.4.39 Whilst trees greatly enhance many urban and rural settings their close proximity to buildings can cause problems. Tree roots spread at least as far as the canopy above and are close to the ground surface. New development can easily damage existing trees, through changes in ground level, soil compaction, and root severance during construction of buildings or services. Trees may also affect buildings if they become unstable or where roots block service ducts.

POLICY D31

The location, layout and detailed design of all new development must pay regard to existing trees and their future growth potential and any landscaping scheme needs to balance the relationship between trees and buildings to avoid damaging effects from one to the other.

5.4.40 Trees make a valuable and widely recognised contribution to our urban and rural landscape. Statutory provision for the protection of trees exists through the use of Tree Preservation Orders and in a slightly more limited fashion, through the designation of Conservation Areas. However, this does not mean that any other trees are of no value and one of the greatest risks to all trees is damage or felling during new development.

POLICY D32

In order to protect trees from damage during development, planning conditions will be imposed to ensure that adequate measures are taken to preserve and protect all trees identified, to be retained in any development.

5.4.41 The Council have adopted a strategy for Art in Public Places in November 1996 which seeks to provide unique, diverse and high quality artwork in the Borough's public spaces. Public art can be incorporated into a wide variety of contexts and the Council has taken a lead in implementing schemes. While public art is particularly appropriate for major town centre and commercial schemes, there is also a place for smaller, appropriate works of art on much smaller local schemes, which can provide opportunities for local imagination, enjoyment and craftsmanship. However, in this area, because of the need not to unduly hamper developments there will not be a fixed contribution requirement from developers, as many developments require public subsidy and contribution. In any developments with public involvement the Borough Council will promote collaboration between artists, landscape architects, engineers and other design professionals in order to achieve works of public art and will cooperate in securing funding for such schemes.

POLICY D33

In development schemes over one hectare in size involving public and private funding partnerships a contribution from the developer will be required towards the provision of new works of art to be incorporated into the scheme.

D. Advertisements and Shop Fronts

5.4.42 Outdoor advertisements are a method of conveying a message and promoting a company or service, as such they aim to be as prominent and noticeable as possible. While adverts act in the public interest through this provision of information, there can be certain drawbacks. Firstly, they can adversely affect local amenity by conflicting with the rural, historic or otherwise important character of an area. Secondly, where they are positioned on the roadside or in proximity to other transport routes advertisements can cause a distraction and result in accidents involving vehicles, property and at worst, lives. For these reasons the planning authority is afforded control over adverts on the grounds of visual amenity and public safety.

POLICY D34

The Council will require the removal of existing clutters of unauthorised adverts not related to the premises on which they are displayed where these are considered detrimental to visual amenity and/or highway safety.

Advert Hoardings

5.4.43 These large hoardings can have a major impact on visual amenity, dominating or disrupting views in urban as well as more rural areas. However, they can also serve a valuable purpose, where otherwise they would be unacceptable, in shielding unsightly views.

POLICY D35

Consent will be given for advertisement hoardings where they would be assimilated into the urban fabric without harm to the interests of visual amenity or highway safety. Furthermore, hoardings must be sited so that their rear faces are not exposed to general public view and, where appropriate, will be required to provide a landscape setting.

A590(T)

5.4.44 Since the completion of the Dalton bypass, the A590(T) has become the main vehicular route into Barrow town. Due to its situation flanked by industrial and commercial properties, the verges have become a prime advertising site and a proliferation of uncoordinated adverts have sprung up. This has produced a cluttered effect and particular concern for public safety has been expressed by the Highways Agency regarding illuminated signs in close proximity to the carriageway.

5.4.45 One solution to the problem of reconciling the advertising needs of local companies and the question of public safety suggested in PPG19 is the use of combined signs by companies in the same general location. This is also the Council's preferred option. As well as improving safety, these 'menu board' type adverts present a more uniform, professional image. A policy was introduced on 29th November, 1994 in Committee to deal with the unacceptable proliferation of individual adverts when these menu boards are not in place. Following the success of that policy, it is introduced into the Local Plan here.

POLICY D36

At the entrance to industrial premises along the frontage of the A590(T) where combined 'menu board' type signage is not in use, all commercial advertisements will only be permitted if they relate to premises or land on which they are displayed.

Adverts in Rural Areas

5.4.46 These areas are particularly sensitive to the proliferation or poor design of adverts on amenity grounds. At present most of the rural areas of the Borough are protected as an Area of Special Control. When it is reviewed the inclusion of the Dalton and Barrow Town Centre Conservation Areas will be seriously considered. One of the biggest problems of adverts in rural areas is the use of 'advance' signs, the cumulative effect of which can be to commercialise our countryside and detract from the quiet enjoyment of these areas.

POLICY D37

In non-urban areas adverts will only be permitted if they relate to premises on which they are located unless:

- a) There is no nearer location on a public road;***
- b) The sign advertises businesses in a nearby community and is of a design approved by the council;***
- c) There is evidence of an overriding need; and***
- d) They are in scale with the premises being advertised and of a size, colouring and position that does not intrude on the setting.***

Adverts in Urban Areas

5.4.47 There are several areas throughout the Borough that are used by a mixture of residential and commercial concerns and the Council has designated several as residential protection areas. Illuminated signs can be particularly disturbing to residential properties and, where they would cause substantial loss of amenity they will be refused.

POLICY D38

Applications for consent to display advertisements that would be detrimental by nature of their scale, height or amount or type of illumination to the amenities of residential properties in those areas with a mixture of commercial and residential uses will be refused.

5.4.48 There are many sites in Barrow where commercial and retail uses have flanking walls of properties which though part of the principal building do not have any elevations used for retail or commercial use, or as the main entrances to buildings for the public. Signs in such locations should be strictly controlled, as they are often highly prominent and intrusive in the street scene. To allow them would cause a proliferation of advertisements, as owners would continually try to outdo their competitors with ever larger and more intrusive advertisements. This control should be particularly strict in conservation areas and near listed buildings.

POLICY D39

Consent for advertisements fixed to the principal public entrance of a building, or to a building elevation not used as a commercial frontage, will be permitted provided that they would not harm the street scene by nature of their scale, height or amount of illumination.

5.4.50 Signs fixed in positions above ground floor level are particularly intrusive and would quickly dominate the views along a street if they were to be extensively used. However, some traditional signs, such as hanging pictorial signs for Public houses, could be used without affecting the street scene adversely even though they are commonly fixed at a higher level. Normally the Local Planning Authority will expect advertisements to be located at or near fascia level.

POLICY D40

Advertising signs above the ground floor level of buildings will be granted consent provided that they are well designed, relate well to the architectural features of the property and do not harm the street scene by being overbearing or over intrusive.

5.4.50 Appeal decisions have indicated that the extent to which an advertisement is architecturally related to a building and the degree to which it disrupts or obscures features such as decorative string courses, ornate door canopies or window heads or hides blemishes are important factors in determining its acceptability. Control of Advertisements for this reason is clearly most important with regard to buildings that are listed but this is not the only consideration. The building's prominence and the degree to which architectural features add to its character will also be considered.

POLICY D41

Applications for consent to display adverts which obscure or disrupt important architectural features of a building, whether the building is listed or not, will not be permitted. On Listed Buildings and within Conservation Areas, shop fronts shall be of a traditional design and use traditional materials except where there are buildings of an architectural style where such treatment would be inappropriate. Shopfronts in Conservation Areas should be of a suitable scale, design, materials and proportion that reflect the traditional character of the application building and the Conservation Area. Well designed signage should be an integral part of the design.

5.4.51 There is clearly a point at which advertising of any premises becomes excessive. Multiple advertisements are particularly objectionable as they have a dramatic effect on the overall street scene and tend to dominate the frontage of the premises. It is also normally counter productive as advertisements tend to be lost in the general clutter of the frontage.

POLICY D42

Applications for advertisement consent which would constitute or result in an excessive scale of advertising on any premises beyond that required to reasonably advertise the business premises will not be permitted.

Illuminated Advertisements

5.4.52 The Council has previously adopted a policy to control the brightness of illuminated advertisements by application of the standards recommended by the Association of Public Lighting Engineers (APLE). These are important for ensuring that adverts do not by their brightness give rise to adverse impacts on amenity or highway safety.

POLICY D43

Proposals for illuminated advertisements will be granted consent provided that they would not harm the interests of visual amenity, including sky darkness pollution, or highway safety by nature of their scale, height, amount or hours of illumination.

Security

5.4.53 The Borough Council recognises the need to provide security for shopfronts and this can be achieved by the use of grilles, which are available in a range of colours to match the shopfront. The housing for such grilles shall be incorporated within the shopfront and not within a housing unit attached to the external wall of the shopfront. Solid shutters are very unattractive and shopping areas become uninviting places outside shopping hours when there is a proliferation of such screens. Grilles allow for the display to remain visible and allow light into the street, which provides more attractive and inviting areas.

POLICY D44

Security shutters or grilles and their storage arrangements should not adversely affect the shopfront, building or street scene. External solid shutters and those requiring a permanent bulky housing attached to the shopfront or fascia will not be permitted where they adversely affect the appearance of the building or its setting.

PART 5 : OTHER ENVIRONMENTAL CONSIDERATIONS

Energy and Telecommunications

- 5.5.1 Energy production is already a major characteristic of the Borough and the extent to which this sector may change or grow over the Plan period poses important environmental issues.
- 5.5.2 The Roosecote area on the south-eastern side of Barrow is the focus for these activities. Roosecote Power Station started as a coal-fired station in the early 1950s, one of the main reasons for its siting being the availability of a supply of cooling water in Cavendish Dock. It was closed by CEGB in the mid 1980s but then re-opened in 1991 as a combined cycle gas turbine installation, using gas from the adjacent Morecambe Bay Gas Terminal. The latter comprises the two Terminals developed by British Gas (South opened in 1982, North opened in 1994), for the landing, treatment and transmission to the national grid of natural gas from the Morecambe Bay field, which lies offshore between Barrow and the Isle of Man.
- 5.5.3 Both the Power Station and Gas Terminal have land adjacent to them where there is potential for their expansion or for the development of other industries that would utilise their energy. A policy relating to this forms part of the Employment Section above.

5.5.4 In the interests of sustainability and concern for protection of the environment of future generations the Government is now encouraging as much energy as possible to be produced from renewable sources. For planning authorities this expresses itself in PPG22 'Renewable Energy'. The Government have indicated that by the end of the Plan period 10% of the nation's energy needs will have to have been generated from renewables. The Authority will look to see how this could be applied locally.

A. **Renewable Energy**

5.5.5 When work began on this review there were no significant renewable energy developments within the Borough although the wind farm at Kirkby Moor in South Lakeland lies immediately to the North and is clearly visible from much of the area around Askam; as is the wind farm at Haverigg. There is also now a small cluster of 5 turbines at Harlock Hill, which is just inside the South Lakeland part of the Furness Fells. This is clearly visible from the A590 but is generally enclosed within the surrounding landscape.

5.5.6 Further pressure for wind energy development in the Furness Peninsula is possible as it has a generally high wind resource but is outside nationally recognised protected landscapes, being outside the Lake District National Park and having no AONB designation. Planning permission was granted in November 1997 at appeal for a 7 turbine installation on the hill above Far Old Park Farm, Ireth and this is now operational. Occasional studies of the feasibility of a tidal barrage across the Duddon have been carried out but it is not considered likely that during the life of the Plan such a scheme will come to fruition.

The County Structure Plan

5.5.7 County Structure Plan Policy 56 states as follows:

“Renewable energy developments which have no significant adverse impact on the environment, landscape or local communities will normally be permitted.

Renewable energy developments which will have significant adverse impacts will only be permitted if this impact is outweighed by the energy contribution and other benefits including reducing pollution.

Large scale proposals for renewable energy developments within or affecting the National Parks and other areas and features of international or national conservation importance will be considered under Policy 54.

Any proposal for a tidal barrage will only be acceptable if it can be demonstrated that there are such substantial economic or other benefits that they clearly outweigh damage to internationally or nationally designated habitats and to the landscape of the affected estuary.”

5.5.8 The positive note of this policy reflects Government advice in PPG22, which promotes the use of renewable energy in places where it would be environmentally acceptable. This general support is reflected in the Local Plan policies.

What Form of Energy

5.5.9 Renewables covers a wide range of different energy sources and technologies but only some of these will have any potential within the Borough. These have been identified as:

- Tidal
- Wind
- Bio fuels
- Solar
- Pyrolysis

5.5.10 In view of the current stage of development it is difficult to add value to the strategic policy concerning a tidal barrage across the Duddon. Much work remains to be carried out before any firm proposal for landfall sites and routes could be advanced. It would be difficult, therefore, to incorporate a Local Plan policy covering tidal energy developments.

5.5.11 Of the remaining technologies all have potential in the Borough but wind energy is the most visibly intrusive technology that requires specific policies to guide its location to those areas of the Borough where this would be acceptable. Many sources of renewable energy arising from man's activities, such as bio gas and waste gasification or incineration can be set within an urban or industrial context.

Wind Energy

5.5.12 The Wind Resource: Wind resource areas have generally been taken to be areas where the average wind speed is above 6.5 m/s. Although the 6.5 m/s minimum is seen as a reasonable level it cannot be seen as an absolute limit on the location of wind energy proposals for a number of reasons. Firstly, the number of turbines and advances in technology may reduce the average wind speed required to generate power cost-effectively. Secondly, the ETSU maps are merely computer generated models; actual measurements from any site may be substantially higher (or lower) than predicted. Finally, local topographic features may substantially limit the wind resource in areas of apparently high average wind speed.

5.5.13 Therefore, given the long term nature of this policy, all the Borough area can be considered to have potential for the generation of power by wind energy.

5.5.14 Nonetheless, the amount of energy that can be generated by a wind turbine is sensitive to wind speed. For example, a turbine located on a site with an average wind speed of 8 m/s will typically generate twice as much power as one located on a site with an average speed of 6 m/s. The areas of the Borough enjoying the highest wind speeds will, therefore, be most attractive to developers. There are five discrete areas where wind speeds are estimated to be between 7.0 m/s and 8.0 m/s:

- i) South Walney
- ii) The Coastal Fringe North of Hillock Whins
- iii) Roa Island, Rampside, Foulney island
- iv) The ridge running north-south from Scarbarrow to Longlands
- v) Rakesmoor

and one area with average speeds in excess of 8.0 m/s covering the high moorland at Mean Moor on the Borough's northern fringe.

5.5.15 Landscape Issues: The Borough occupies the end of the Furness Peninsula. Its predominant landscape, therefore, is an extensive, partly developed coastal plain rising gradually towards a central spine of moorland that runs into South Lakeland and the Central Lake District. The Coastal Fringe in the west of the Peninsula is narrower than the east, which has a much more extensive area of rolling lowland - a result of glacial deposition.

5.5.16 Parts of the coastal plain are designated as County Landscapes, where development and change of land use detrimental to the distinctive character of the area would not normally be permitted. Most of the upland areas are also within this designation. The rest of the landscape is of only average quality, with large areas, particularly between Barrow, Dalton and Askam, being disfigured as a result of past mining activity.

5.5.17 Although not nationally recognised, County Landscapes are important and form part of the hierarchy of landscape protection developed in the County Structure Plan. This designation should not be discarded lightly, particularly when, as is the case within the Borough, the areas are highly visible and accessible to large numbers of people.

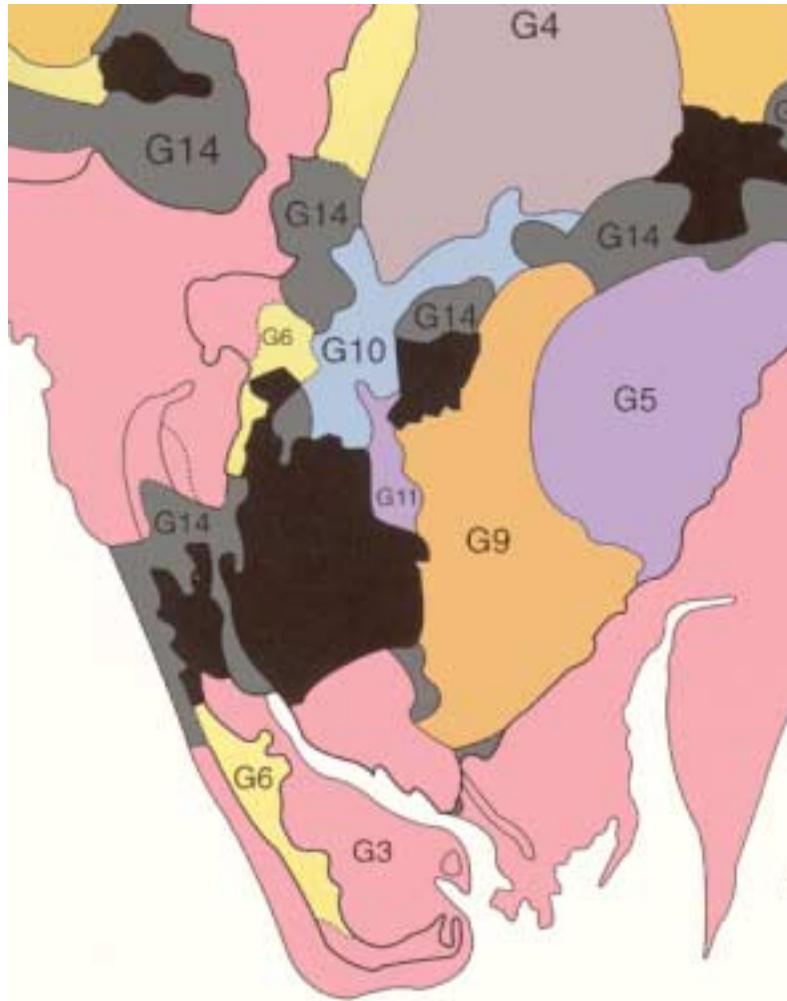
5.5.18 Because of growing concern among the planning authorities of Cumbria at the proliferation of planning applications for wind energy and NFFO Grants and their potential cumulative visual impact on sensitive landscapes across District Council boundaries, a joint study was carried out resulting in the adoption in Cumbria of a volume of Supplementary Planning Guidance in 1997. This provides criteria for judging the amount of wind energy development visually acceptable in the various landscape designation areas that the County have previously defined and which are shown in Plan 40. It also provides guidance on how to assess cumulative impact and gives specifications for various detailed matters affecting appearance of individual installations, once the broad landscape and siting criteria have been established.

It is intended to assist in the assessment of landscape and visual harm, if any, to be weighed against other factors. It is endorsed as giving good general guidance by this Authority.

- 5.5.19 Sites of Nature Conservation Interest: Sites of International Importance for Nature Conservation largely coincide with the coastal fringe County Landscapes. Wind turbines will be permitted provided they would not unacceptably harm sites of nature conservation importance. The effect of wind turbines on sites of nature conservation importance will depend upon the reasons for their designation. There may be little difficulty siting turbines in areas whose primary protected interest is land or water based creatures or plants but they may be less acceptable in areas whose primary interest is ornithological (although studies indicate that bird disturbance and death due to turbines is limited).
- 5.5.20 There is a need to minimise the lengths and widths of new roads and tracks for construction and servicing purposes. In cases where new access tracks are cut for a temporary period these should be reclaimed to their former condition. This should be detailed in method statements provided by the developer and agreed by a competent landscape and nature conservation authority indicating working practices during the construction period. In cases of new tracks required permanently to service the site these should be laid down in accordance with conditions to be agreed with the planning authority and expert consultees and reclaimed at surface level to conceal the new trackway.
- 5.5.21 Separation Distances from Urban Areas, Villages and Dwellings: The characteristics of turbines may lead to the creation of nuisance arising from several different sources, principally noise, electromagnetic interference and shadow flicker. The Authority's experience at the Far Old Park Farm inquiry leads it to the view that a 400 metre separation distance is appropriate, though it is recognised this process is at best a coarse sieve and the circumstances of individual applications may extend separation distances required from residential property.
- 5.5.22 Other factors to be taken into account are as follows:
- The need to demonstrate that developments, will not result in significant increase in risk or nuisance to the public arising from highway safety considerations, shadow flicker or machine failure.
 - The need to consider electromagnetic effects produced on both generating and receiving telecommunications apparatus. This is usually significantly reduced if the turbine locations are sited well separated from either the generating or receiving equipment. The presence of turbines in a line of sight relationship between such stations is not necessarily a fundamental objection.

5.5.23 Detailed Topography: There is a need to direct development away from sensitive skylines, hilltops, summits and popular landmarks.

5.5.24 Grid Connection Constraints: In addition to the above Walney Island is constrained by lack of capacity in the grid system.



Range of Potential Development Type By Guidance Area

Guidance Statement	Compressed Guidance (Conclusions)	Size – Range
G10	Exceptionally up to large cluster	Domestic – large cluster
G14	Urban Fringe, perhaps up to large cluster	Domestic – large cluster
G6	In extensive areas; up to large cluster. More contained areas ; up to small cluster Rest perhaps domestic	Domestic – large cluster Domestic – small cluster Domestic
G7}	Up to small cluster where	Domestic – small
G9}	containing topography	cluster
G15 (Solid Black)	Urban, perhaps up to small cluster	Domestic – small cluster
G3	Any development likely to be significantly adverse	-----

Plan 40: Extract for the Borough from ‘Wind Energy Development in Cumbria’ Supplementary Planning Guidance Produced By Cumbria County Council and Its Constituent District Planning Authorities, Jul 1997.

5.5.25 Area of Least Constraint: The Local Plan, as identified above, has to respect the tone of Government advice and, therefore, be supportive of wind energy, where other constraints and reasonable policy criteria have been overcome. To this end it has proved possible to identify an area of least constraint where wind energy could be considered acceptable. This is the area shown on the Proposals Map to the east and south of the Morecambe Bay Gas Terminal and to the north of the village of Rampside.

5.5.26 Cumulative Effect of Proposals

The cumulative visual effect of proposed sites in addition to existing sites is an important consideration. Cumulative impact will be most critical from centres of population, footpaths, popular landmarks and viewpoints and major roads. Consideration of the cumulative effects of development may lead to the refusal of applications notwithstanding their location within an area of least constraint. Broad criteria for assessing cumulative impact are set out in the Supplementary Planning Guidance. The Authority will also need to assess the impact of any additional overhead power lines on the landscape and will, therefore, require details to be submitted as part of the planning application for the turbines.

5.5.27 Offshore Installations

The Council recognise that its area is unlikely to have a large number of suitable locations for wind energy schemes because of the close mesh within the Borough's relatively small land area of urban development with areas of good landscape character. It feels, therefore, that encouragement should be given to further studies into the potential for offshore locations in the Irish Sea. It believes that a potentially very significant wind resource could be enhanced without visual or other environmental impacts that would be of the same significance as at many onshore locations. Whilst the Authority recognises that it has no jurisdiction in this area it feels that its views should be made clear to potential developers and to the relevant authorities.

5.5.28 To dovetail with national and strategic policy the plan has a positive policy stance towards renewable energy developments. However, of the various renewables technologies available only wind, bio fuels (principally bio-gas), pyrolysis of waste and solar energy have any significant potential in the Borough.

POLICY D45

Proposals for energy generation projects that rely on renewable resources will be approved within the Local Plan area where they meet established best practice criteria and the energy generation and other benefits outweigh the environmental impact, particularly if they help to meet the Authority's target for the proportion of its energy needs to be generated from renewable sources.

5.5.29 The area of least constraint has been defined by reference to wind potential, landscape and nature conservation issues and separation distances from settlements and detailed assessment of topography. It defines the area within which wind energy proposals are broadly acceptable.

POLICY D46

Development of wind turbines in the Borough will be permitted in the Area of Least Constraint defined on the Proposals Map, subject to details of the number, scale, design and location being acceptable.

POLICY D47

The acceptability of wind energy installations will be judged according to whether the number, location, siting, size and design of proposals can be shown to satisfy the following criteria:

- a) *An Environmental Impact Assessment is undertaken where the proposal is considered by the Authority to be significant in relation to its environmental impact. This must be adequate to assist the Authority to assess whether the energy contribution and other benefits outweigh any significant adverse effect on;*
 - 1. *The character and appearance of the landscape, nature conservation, archaeological or geological interests;*
 - 2. *The amenity of residential properties by reason of visual impact, noise, shadow flicker or reflected light;*
- b) *The proposal would not unduly dominate the appearance or visual amenities or setting of a settlement or part thereof, or intrude on the enjoyment of publicly accessible spaces within it;*
- c) *The proposal would not cause significant damage to a site of international, national or local nature conservation importance;*
- d) *Effective measures are available to overcome any significant electromagnetic interference to transmitting or receiving equipment;*
- e) *All associated power lines, both on-site and off-site, are placed underground or do not appear prominent in the landscape;*
- f) *Adequate access for construction traffic is available or could be provided without harm to highway safety, visual amenity or nature conservation interests;*

- g) The proposal, when assessed in the context of existing, proposed or permitted wind energy schemes, would not result in a cumulative visual effect which would have a significant adverse impact on the character and appearance of the area; and*
- h) Realistic proposals are in place for the removal of redundant wind turbines and the restoration of the site.*

In assessing the proposals against the requirements of this policy, full account will be taken of proposed mitigating measures, and of the County-wide Supplementary Planning Guidance “Wind Energy Development in Cumbria”.

5.5.30 The potential for energy generation using farm derived slurries is, to a large extent, an unknown quantity but with the encouragement of farm diversification it is likely to become increasingly attractive. The technology involved in exploiting bio-gas such as digesters and containment systems can be very prominent in the landscape, particularly if detached from the group of existing farm buildings and structures.

POLICY D48

Proposals for the installation of plant and equipment to generate energy or heat from processing farm slurries will be approved providing the scale of the equipment proposed and its location and appearance is appropriate to the existing farming enterprise, the landscape and the landscape setting of the farm and the character of the farm buildings and there must be no development such that the amenities of nearby residents are significantly adversely affected.

5.5.31 The principle of passive solar heating is supported by the Borough Council, subject to normal development control standards being applied. The installation of active solar or photovoltaic arrays on roof slopes can have an impact on the appearance of a dwelling house or building. The Borough Council will be concerned that the scale and profile of an installation is appropriate for the location, particularly where it affects the character or appearance of a listed building, or other building in a conservation area.

POLICY D49

Applications for active solar or photovoltaic cells will be approved, provided that the installation:

- a) Is substantially flush with the plane of the roof; and*
- b) Does not result in undue harm to the character of the building; and*
- c) Does not have an adverse effect on the character, appearance or setting of listed buildings, or other buildings within conservation areas.*

Energy Conservation

5.5.32 In the interests of sustainability the Council wishes to ensure that developments are carried out in ways that conserve energy use. Indeed it may occasionally feel that a development will be unacceptable if it places a high energy demand, by virtue of its location or the type of development involved, and that demand cannot reasonably be ameliorated.

POLICY D50

Developments that satisfy the other criteria of this Plan will be approved if they show that reduction in energy consumption is being optimised by means of layout, design, construction or alternative technology. Development will be refused where the Council is satisfied that by virtue of its location or layout or the type of development the amount of energy consumed is not justified by other benefits.

Overhead Power and Communication Lines

5.5.33 The Council will require new residential, employment, retail and other areas to be planned and designed so that all low voltage power lines (132kV and below) or communication lines are provided underground. Elsewhere it recognises that new lines to some individual new development will generally have to be provided overhead. It will encourage, however, in cases where this poses a conflict with amenity - such as in an area with a County or Local Landscape designation, a conservation area or in an area close to dwellings or business premises - that they be laid underground. However, in view of the substantial practical, technical and cost disadvantages involved, the undergrounding of high voltage power lines (275kV and above) will only be sought in exceptional circumstances.

POLICY D51

All low voltage power lines (132kV and below) or communication lines within and connecting to new development areas shall be sited underground.

POLICY D52

Where a proposed or diverted low voltage (132kV and below) or communication line is considered by the Council to pose a conflict with interests of visual amenity it will encourage that it is laid underground, subject to there being no adverse impact on nature conservation or archaeological interests.

5.5.34 The Council will also be opposed to new developments where their siting would involve a proximity to an existing overhead line that would be detrimental to the amenity interests of potential occupiers, by virtue of the visual impact.

POLICY D53

New development will be required to take account of existing overhead power or communication lines to protect the visual amenity interests of potential occupiers.

Telecommunications

5.5.35 In PPG8 the Government expresses its commitment to the growth of new and existing telecommunications systems, whilst also expressing a need for continuing protection of the countryside.

POLICY D54

Where the District Council has control over the erection of new telecommunication masts and equipment, proposals will be permitted provided that the following criteria are satisfied;

- a) The proposed mast and equipment would not be unduly prominent in the landscape, subject to technical and operational considerations;*
- b) The need for the proposed facility cannot be adequately met by the shared use of the existing masts or antenna or on other appropriate structures or buildings;*
- c) The design, appearance and materials of the masts, aerials and ancillary equipment are appropriate to the locality;*
- d) Where appropriate any new mast should include additional structural capacity to take account of possible future needs from other operators wishing to site share subject to technical and operational considerations;
and*
- e) The proposal will not have an unacceptable impact on areas or buildings of historic or architectural interest or areas of nature conservation or archaeological importance subject to technical and operational considerations.*

Where such structures are permitted, approval will be subject to a time limited condition, requiring their removal and the reinstatement of the land.

Pollution

5.5.36 The planning system controls the development and use of land in the public interest including the location of developments that may give rise to pollution.

- 5.5.37 The inter-relation between planning and pollution controls has not always been well understood and the roles of the relevant agencies involved may have overlapped in the past. However, in July 1994 the DOE published PPG23 'Planning and Pollution Control', which has sought to clarify the relationship between the two control regimes.
- 5.5.38 The planning system should not duplicate controls that are the statutory responsibility of other bodies (including local authorities in their non-planning functions, such as, primarily, environmental health). As determined in the Court of Appeals' judgement in Gateshead MBC v The Secretary of State for the Environment and Northumbria Water Group plc, planning controls are not an appropriate means of regulating the detailed characteristics of potentially polluting activities.
- 5.5.39 PPG23 is concerned with how the possibility of polluting substances arising from development is to be taken into account in the planning system. It advises that the planning interest must focus on any potential for pollution but only to the extent that it may affect the current and future uses of land.
- 5.5.40 In paragraph 2.18 it advises of the following factors which planning authorities should take into account in preparing Local Plan policies:
- The constraints on development as a result of the need to comply with any statutory environmental quality standards or objectives;
 - The need to identify land, or establish criteria, for the location of those types of development which may have the potential to pollute, in a particular industry within the special industrial use classes and power stations;
 - The need to separate potentially polluting and other land uses to reduce conflicts, for example by identifying areas around polluting land uses in which other developments should be subject to special consideration;
 - The possible impact of potentially polluting development on land use, including the effects on health, the natural environment, or general amenity, resulting from releases to water, land or air, or of noise, dust, vibration, light or heat;
 - The environmental consequences, where known, of former land uses, manifested for example by contaminated land;

- Completed landfill sites that would be suitable for development or other use (see section 4); the plan may make clear the types of development that would be appropriate and, where possible, the minimum time lapse between the completion of the landfill and the start of different types of development, taking into account the potential for pollution in relation to the types and quantities of waste deposited;
- The need to secure restoration and pollution controls to standards sufficient to ensure that land is capable of an acceptable after use;
- The need to protect natural resources and improve the physical environment; and
- The economic and wider social need for potentially polluting development and the requirement to identify appropriate locations for such developments.

5.5.41 Locally there are four sites that are regulated by the Environment Agency under the system of Integrated Pollution Control (IPC). The system of IPC was established by the Environmental Protection Act, 1990. The sites are:

1. Hydrocarbon Resources Limited (the gas terminal);
2. Lakeland Power Limited (Roosecote Power Station);
3. Kimberly Clark Limited; and
4. BAE Systems (this site is also authorised under the Radioactive Substances Act 1993 for discharges.)

5.5.42 There are consultation zones around each of these that have been agreed with the Environment Agency. Development within these zones will, therefore, continue to be strictly controlled in consultation with the Agency.

5.5.43 The presence of the Major Aquifer identified by the Environment Agency in the St. Bees sandstone belt that passes under the town of Barrow and the more rural land on its northern and southern sides has already been referred to in the Employment Chapter. There is a need, therefore, as identified by the Environment Agency to provide particular protection of this resource, although it should be recognised that groundwaters occur widely across the Borough in a variety of other geological strata which also demand protection.

5.5.44 Maintaining and enhancing the water quality of coastal waters, rivers, lakes, ponds and other water bodies is important in order to protect their wide range of users. The Environment Agency has asked local planning authorities to restrict development that threatens surface water quality and will generally encourage initiatives that result in an improvement in surface water quality. The Government, the Environment Agency and local authorities are also all currently investigating and evolving measures by which air quality levels can be improved.

5.5.45 Development that disturbs contaminated land, unless carefully designed and implemented, can cause pollution of surface waters. Contaminated sites should, therefore, be adequately sealed against the leakage of polluted matter, while surface drainage should be directed away from the source of contamination, and attention must be paid to the possible impact on proposed development by landfill gas. However, it is also recognised that the development of contaminated sites can offer opportunities for improvements in surface water quality, for instance by the restoration of sites that have been poorly infilled in the past.

5.5.46 In order to prevent the pollution of groundwater it is important to control activities such as the disposal of effluent in soakaways, landfilling of unsealed sites over permeable bedrock, or inappropriate storage of chemicals. Guidance on considerations affecting the acceptability of development from a groundwater protection viewpoint has been published by the Environment Agency as its “Policy and Practice for the Protection of Groundwater”.

5.5.47 There follows a series of policies evolved in consultation with the Environment Agency.

POLICY D55

The Council will not permit development that is likely to cause unacceptable harm to an interest of significant environmental importance by increasing levels of pollution through emissions into the air or adversely increasing odour levels.

POLICY D56

The Council will refuse permission for development that in its opinion is likely to adversely affect the quality of surface, underground or coastal water as a result of the nature of the surface or waste water discharge, or give rise to pollution problems resulting from the disturbance of contaminated land. The Authority will support initiatives that lead to improvement in surface water quality.

POLICY D57

Developments will not be permitted which in the opinion of the Council pose an unacceptable risk to the quality of groundwater. Areas subject to different levels of risk and protection are shown on the Proposals Map.

Noise

5.5.48 Noise pollution generally is an increasingly important issue and noise has become recognised as a material consideration in the determination of planning applications. Noise affects all aspects of life but most significantly the comfort and convenience of home. It is the aim of the planning system to ensure that, wherever possible, noise sensitive developments are separated from major sources of noise. Such major sources of noise include roads, railways, air transport and certain types of industrial development. The policies that follow have been evolved in discussion with the Council's Chief Environmental Health Officer.

POLICY D58

New development within the vicinity of residential areas, schools, hospitals and offices must not generate noise above the existing background levels, as measured in accordance with the positions, times and methods agreed beforehand with the Authority.

POLICY D59

Noise sensitive development such as housing, schools and care homes will not be permitted in locations where it is likely that exposure to high noise levels would occur, both at present and in the future.

POLICY D60

Developments giving rise to occasional noise levels above background, which are permissible under the other policy criteria of this Plan, will be required to show to the planning authority's satisfaction that adequate measures have been taken to provide reasonable noise attenuation by design and/or screening and that adequate publicity is given beforehand of when noisy activities may occur.

POLICY D61

The Council will take into account, when determining applications for fast food restaurants, discos, nightclubs, social clubs, public houses and taxi offices, the extent to which noise from customers and the use of vehicles at night will adversely affect the amenities of residents in the area.

POLICY D62

New developments in the urban fringe that are in the vicinity of public access routes on foot to the countryside will be required to maintain noise levels below speech interference levels along those routes (typically 55 dB(A) Leq).

Light

5.5.49 Artificial lighting is desirable in certain circumstances for security reasons, pedestrian and traffic safety, recreation and for enhancing historic and architecturally important buildings. Poor and/or insensitive design and installation of lighting schemes, however, can result in light pollution. This can occur as:

- **sky glow** - the orange glow seen around urban areas caused by a scattering of artificial light by dust particles and water droplets in the sky;
- **glare** - the uncomfortable brightness of a light source when viewed against a darker background; and
- **light trespass** - light spilling beyond the boundary of the property on which a light is located.

5.5.50 Light pollution can affect both urban and rural areas but it is a particular problem in the countryside where dark skies at night are one of the special and intrinsic qualities of the rural landscape. Artificial lighting can obscure our vision of the stars; it can destroy local character by introducing a suburban feel into rural areas; it can intrude on residential amenity; it can impact upon the ecology and wildlife of an area; and it can cause stress and anxiety for people affected. In addition, light pollution represents a waste of energy, resources and money. In operating the policy below the Authority will have regard to the advice contained in the Institution of Lighting Engineers publication on Environmental Zones.

5.5.51 There has been growing concern locally over the impact of lighting schemes at supermarkets and sports grounds.

5.5.52 The Department of the Environment Circular 5/94 Planning Out Crime states (paragraph A9):

“Those installing security lighting need to strike a balance between their desire to increase the security of their properties and the possible effect that unnecessarily obtrusive and glaring light, due to badly installed or designed lighting fixtures, may have on neighbours. Care should be taken to ensure that the intensity and focus of security lighting respects the amenity of others.”

POLICY D63

The Council will seek to minimise light pollution. Details of any external lighting scheme required as part of any new development should be submitted as part of the planning application. Applicants will be expected to demonstrate to the Authority that the scheme proposed is the minimum needed for security and working purposes and that it minimises the potential pollution from glare and light spillage, particularly to residential and

commercial areas, areas of nature conservation importance and areas whose open and remote landscape qualities would be affected. Lighting will be required to be directed to the part of the site where it is needed and the Authority will require measures to be taken to seek to ensure that it does not spread beyond the site boundaries or upwards into the sky. Any approved scheme, once installed, will have to meet the parameters agreed in the submitted details.

POLICY D64

The lighting of development occupying prominent sites on the landscape or an elevated topography will be looked at particularly carefully by the Authority and will be refused if considered unduly visible in the wider landscape.

Remaining Sustainability Issues

5.5.52 As indicated in the Sustainability Strategy in the Introduction Chapter the Council wishes to promote sustainability by ensuring that, as far as possible, land is available for recycling initiatives and the upper floors of buildings do not remain vacant for long periods.

POLICY D65

Proposals for the collection, sorting and use of bottles, paper, aluminium, plastics, oil and other recyclable materials will be approved, subject to there being reasonable protection of residential and visual amenity and adequate access.

5.5.53 There are a number of vacant buildings and upper floors, particularly in central areas, which could be used to reduce pressure for development elsewhere and to revitalise buildings of townscape merit. Many would be particularly appropriate for conveniently located residential accommodation or small scale employment creating uses. The removal of access to upper floors or carrying out of other works that would reduce the possibility of their being brought into beneficial use will not be permitted.

POLICY D66

The Council will favour the active re-use of upper floors and proposals that would prejudice the active use of vacant and under-used buildings or parts thereof will be refused.

5.5.54 In order to avoid long-term dereliction and landscape degeneration it is important that installations which by their nature have a limited life - such as energy or telecommunications - should be required to be removed upon the cessation of their function and the site should then be restored to a condition satisfactory to the Authority.

POLICY D67

Permissions for installations having a finite life will be subject to planning conditions requiring their removal and the reasonable restoration of the site at the end of that finite period, with a further requirement that Section 106 Obligations for the lodging of bonds be sought where necessary.